

REMARKS

The applicants originally submitted claims 1-9 in this application. In a previous response to a previous Office Action, the applicants amended claims 1, 4, 5 and 7. In this preliminary amendment, the applicants have amended claim 2, canceled claim 9 and added a new claim 10. Accordingly, claims 1-8 and 10 remain pending in this application.

In the final Office Action dated March 30, 2003, the Examiner rejected claims 1-6 and 8-9 under 35 U.S.C. §103(a) as being unpatentable over Backer et al. (U.S. Patent No. 5,180,411) in view of Tuminaro (U.S. Patent No. 6,496,627). The applicants respectfully traverse the rejection in view of the claim amendment set forth above and the remarks set forth below.

The applicants submit herewith an affidavit by Kai H. Chang, who is one of the co-inventors of the invention. The applicants respectfully submit that the affidavit submitted herewith removes the Tuminaro reference as prior art. The affidavit submitted herewith provides a reasonable showing that the applicants' invention, as claimed, was conceived prior to the filing date of the Tuminaro reference and was coupled with due diligence from the date of conception to the filing date of the applicants' invention. Based on the affidavit submitted herewith, applicants believe that a reasonable showing has been made to remove the Tuminaro reference as prior art.

As part of the rejection of claims 1-6 and 8-9, the Examiner states that Backer et al. do not teach exposing the drawn fiber to deuterium at room temperature, but that Tuminaro discloses that deuterium exposure results in improved long term signal attenuation performance. However, as discussed hereinabove, the applicants submit that Tuminaro should be removed as a prior art. With Tuminaro removed as prior art, it is clear that the remaining cited art, Backer et al., does not disclose or suggest the applicants' invention as claimed.

With respect to claim 2, the Examiner indicated in the final Office Action dated March 30, 2003 that claim 2 is in a format that is inconsistent with any format that is sanctioned by the MPEP or the courts. In response, the applicants have amended claim 2 to recite that the exposing step further comprises

exposing the drawn optical fiber to a deuterium atmosphere having a partial pressure of approximately 0.01 atmospheres of deuterium at room temperature for approximately 6 days. Also, the applicants have added a new claim (claim 10), dependent from independent claim 1, that recites that the exposing step further comprises exposing the drawn optical fiber to a deuterium atmosphere having a partial pressure of approximately 0.05 atmospheres of deuterium at room temperature for approximately 1.5 days. In view of the amendment to claim 2, the applicants respectfully submit that claim 2 no longer is in a format that is inconsistent with any format that is sanctioned by the MPEP or the courts.

The applicants respectfully submit that the applicants' invention, as recited in claims 1-8 and 10, is patentable over the remaining cited art, and respectfully request that the Examiner withdraw the rejection under 35 U.S.C. §103(a) over Backer et al. in view of Tuminaro.

In the final Office Action dated March 30, 2003, the Examiner also rejected claims 1 and 7 under 35 U.S.C. §103(a) as being unpatentable over Oyobe et al. (U.S. Patent No. 5,262,365) in view of Tuminaro and Baumgart (U.S. Patent No. 4,820,322). The applicants respectfully traverse the rejection in view of the remarks set forth below.

The Examiner states that Oyobe et al. do not teach exposing the drawn fiber to deuterium at room temperature but that, as before, Tuminaro discloses that deuterium exposure results in improved long term signal attenuation performance. As discussed previously herein, Tuminaro should be removed as a prior art. The applicants respectfully submit that it is clear that the remaining cited art, Oyobe et al., does not disclose or suggest the applicants' invention as claimed.

Accordingly, the applicants respectfully request that the Examiner withdraw the rejection of claims 1 and 7 under 35 U.S.C. §103 over Oyobe et al. in view of Tuminaro and Baumgart.

The applicants submit that all claims now are in patentable form, and respectfully urge that all the claims be allowed and the application be passed to

issue. If the Examiner disagrees, the Examiner is invited to call the attorney for the applicants at the telephone number provided below.

Respectfully,

Kai H. Chang
David Kalish
Thomas J. Miller

By:


Michael A. Morra, Attorney
Reg. No. 28975
(770) 798-2040

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**Fitel USA Corp.
Docket Administrator
2000 Northeast Expressway
Suite 2H02
Norcross, GA 30071-2906**